

Appl. No. 10/689,399
Atty. Docket No. 9390
Amdt. dated April 27, 2005
Reply to Office Action of February 8, 2005
Customer No. 27752

REMARKS

Claim Status

Claims 1-20 are pending in the present application.

Rejection Under 35 USC §102 Over Ciammaichella et al.

Claims 1-2, 4, 5, 7, 11, 12, 14, 15 and 17 stand rejected under 35 USC §102 as being anticipated by Ciammaichella et al. (US 6,436,508). The office action contends that Ciammaichella et al. teaches an apertured three dimensional sheet with a material, which occludes the apertures when exposed to liquid and that the sheet can be attached to multiple layers and be part of the backsheet of an absorbent article. This rejection is traversed.

The claims of the present application are directed to a resilient three-dimensional web comprising a first and second surface and fluid passageways comprising walls extending between the first and second surfaces. The resilient three-dimensional web itself also comprises an occluding material which causes a mechanical changes in the walls of the fluid passageways upon contact with fluid to render the first and second surfaces in non-fluid communication with one another at the fluid passageways.

In contrast, Ciammaichella et al. teaches a three-dimensional web formed of a first material. This web is then coated with a second liquid swellable material which when exposed to fluid swells and clogs the openings in the web. Nowhere does Ciammaichella et al. teach or suggest that the web itself be formed of an occluding material as in claim 1 and 11 of the present application. By forming the web itself of an occluding material, the walls of the web are mechanically changed when contacted by fluid. A feature which is totally absent in the web of Ciammaichella et al. Thus, independent claims 1 and 11, and dependant claims 2, 4, 5, 7, 12, 14, 15 and 17 are patentable over Ciammaichella et al.

Rejection Under 35 USC §102 Over Kauschke et al.

Claims 1-2, 4, 5, 7, 11, 12, 14, 15 and 17 stand rejected under 35 USC §102 as being anticipated by Kaushcke et al. (US 2003/0161995 A1). The office action contends that Kaushcke et al. teaches an apertured three dimensional sheet with a material which occludes the apertures when exposed to liquid. This rejection is traversed.

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The claims of the present application are directed to a resilient three-dimensional web comprising a first and second surface and fluid passageways comprising walls extending between the first and second surfaces. The resilient three-dimensional web itself also comprises an occluding material which causes a mechanical changes in the walls of the fluid passageways upon contact with fluid to render the first and second surfaces in non-fluid communication with one another at the fluid passageways.

In contrast, Kauschke et al. teaches a barrier sheet formed of a first layer 12 and a second layer 14. In between the two layers 12 and 14 is a layer 20. Layer 20 is a liquid expandable material. When exposed to fluid, layer 20 expands blocking the innermost directed portions of the apertures of adjacent layers 12 and 14, respectively. Nowhere does Kauschke et al. teach or suggest that either layer 12 or 14 be formed of an occluding material as in claims 1 and 11 of the present application. Furthermore, Kauschke et al fails to teach or suggest that the alleged aperture walls in layers 12 and 14 are mechanically changed when layers 12 and 14 are contacted by fluid. Thus, independent claims 1 and 11, and dependant claims 2, 4, 5, 7, 12, 14, 15 and 17 are patentable over Kauschke et al.

Rejection Under 35 USC §103(a) Over Ciammaichella et al or Kauschke et al.

Claims 3, 6, 8-10, 13, 16, 18-20 have been rejected under 35 USC §103(a) as being unpatentable over Ciammaichella et al. or Kauschke et al. This rejection is traversed. As mentioned above, neither Ciammaichella et al. nor Kauschke et al. teach or suggest all the features of independent claims 1 and 11. Since claims 3, 6, 8-10, 13, 16, 18-20 all depend from claims 1 and 11 either directly or indirectly, they are patentable over Ciammaichella et al. and Kauschke et al. for the same reasons as claims 1 and 11. Therefore, the claimed invention is unobvious and the rejection should be withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC 102 and 103. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of

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the foregoing, reconsideration of this application, and allowance of Claims 1-20 is respectfully requested.

Respectfully submitted,

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By



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